



Loudoun County, Virginia

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Department of Building and Development

1 Harrison Street, S.E., P.O. Box 7000, Mailstop #60A, Leesburg, VA 20177-7000

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Zoning & Administration (703) 771-5215

April 13, 2011

Diana T. Faison
Senior Siting and Permitting Specialist
Dominion Virginia Power
701 East Cary Street
Richmond, VA 23219
Diana.faison@dom.com

**RE: Zoning Determination for land zoned JLMA-3
MCPI #: 110-37-6737**

Dear Ms. Faison:

This letter is in response to your request (via email) dated March 10, 2011, for a zoning determination with regard to the above referenced property. You note that Dominion Virginia Power is in negotiation with the Town of Leesburg to obtain the above referenced parcel, and per your email dated April 13, 2011, you clarified that Dominion Virginia Power intent to purchase a portion of the property for use as a "Utility Substation Transmission" facility. Specifically, you wanted to know whether you would have to meet the open space requirement for the public utility use on the property.

The property is zoned JLMA-3 (Joint Land Management Area-3), and FOD (Floodplain Overlay District) and subject to the regulations in Sections 2-1200 and 4-1500 of the Revised 1993 Loudoun County Zoning Ordinance (the "Zoning Ordinance"). The property also contains moderate and very steep slopes and is subject to additional standards in Section 5-1508 of the Ordinance.

In reviewing Section 2-1203, I note that a *Utility Substation, Transmission*, is a special exception use subject to additional standards in Section 5-616 and 5-621 of the Zoning Ordinance. One of the criteria of Section 5-616 is that a utility substation transmission shall be located on a lot of one acre or more in size [5-616(A)(1)]. However, the lot for the proposed utility use may not be required to meet this regulation if it qualifies as a nonconforming lot pursuant to Section 1-404(B)(2). In addition to lot size, the proposed use is not required to meet the minimum 50% open space to locate the utility substation transmission on the property.

Please note that pursuant to Section 6-1100, a commission permit application (CMPT) approval may be required to locate the use on the property. You may contact the department of Planning at 703-777-0246 for further information on the special exception and commission permit application process.

This determination applies solely to the referenced properties and is not binding upon the County, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced properties.

Please be advised that any person aggrieved, or any officer, department or agency of Loudoun County affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of the Zoning Ordinance may appeal said decision within thirty days to the Board of Zoning Appeals in strict accordance with Section 15.2-2311 of the Code of Virginia. This decision is final and unappealable if not appealed within 30 days. An application package for an appeal to the Board of Appeals may be obtained by visiting the Loudoun County Government Center, 1 Harrison St. S.E., Second Floor, Customer Service, Leesburg, VA. Two copies of the completed application must be submitted to the Department of Building and Development Customer Service counter with the fee payment of \$350.00 within 30 days from the date of this letter.

Please note that this opinion is valid as of this date, and does not, and shall not relieve the owner or any occupant of the property in question from the obligation to comply with all applicable Zoning Ordinance and other County Ordinance requirements.

Very truly yours,



Val Thomas
Planner, Zoning Administration

cc: Scott York, Chairman, Board of Supervisors
Sally Kurtz, Catoclin District Supervisor
Dan Schardein, Zoning Administrator
Mark Stultz, Deputy Zoning Administrator
Property owners: Town of Leesburg, P.O. Box 88, Leesburg VA 20178

SUMMARY

Date: April 13, 2011

Determination Number: ZCOR-2011-0057

Subject: Open Space in JLMA -3

1993 Ordinance Reference Numbers: 2-1203*; 1-404(B)*; 5-616*; 5-621*

1972 Ordinance Reference Numbers: N/A

Other applicable reference numbers: N/A
(ZMAP/ZCPA/STPL etc).

Applicable Tax Map/Pin Number(s): 110-37-6737

Summary:

Pursuant to Section 2-1203, a *Utility Substation, Transmission*, is a special exception use subject to additional standards in Section 5-616 and 5-621 of the Zoning Ordinance. One of the criteria of Section 5-616 is that a utility substation transmission shall be located on a lot of one acre or more in size [5-616(A)(1)]. However, the lot for the proposed utility use may not be required to meet this regulation if it qualifies as a nonconforming lot pursuant to Section 1-404(B)(2). In addition to lot size, the proposed use is not required to meet the minimum 50% open space to locate the utility substation transmission on the property.

Is this a determination: Check one: Yes ☒ No ☐

Author: Val Thomas

* Indicates where to file